

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION OF THE FAILURE OF)
TRACFONE WIRELESS, INC. TO FILE) CASE NO. 2011-00322
REQUIRED REPORTS)

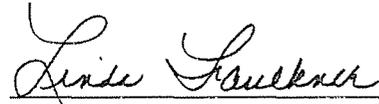
NOTICE OF FILING

Notice is given to all parties that the following materials have been filed into the record of this proceeding:

- The digital video recording of the evidentiary hearing conducted on April 25, 2013 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- A written log listing, *inter alia*, the date and time of where each witness' testimony begins and ends on the digital video recording of the evidentiary hearing conducted on April 25, 2013.

A copy of this Notice, the certification of the digital video record, and hearing log have been served by first class mail upon all persons listed at the end of this Notice. Parties desiring an electronic copy of the digital video recording of the hearing in Windows Media format may download a copy at http://psc.ky.gov/av_broadcast/2011-00322/2011-00322_25Apr13_Inter.aspx. Parties wishing an annotated digital video recording may submit a written request by electronic mail to pscfilings@ky.gov. A minimal fee will be assessed for a copy of this recording.

Done at Frankfort, Kentucky, this 29th day of April 2013.

A handwritten signature in cursive script, reading "Linda Faulkner". The signature is written in black ink and is positioned above a horizontal line.

Linda Faulkner
Director, Filings Division
Public Service Commission of Kentucky

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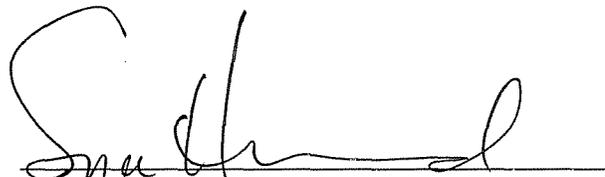
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TRACFONE WIRELESS, INC. TO FILE) CASE NO. 2011-00322
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CERTIFICATE

I, Sonya Harward, hereby certify that:

1. The attached DVD contains a digital recording of the hearing conducted in the above-styled proceeding on April 25, 2013. Hearing Log and Witness List are included with the recording on April 25, 2013.
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the hearing;
4. The "Hearing Log" attached to this Certificate accurately and correctly states the events that occurred at the hearing of April 25, 2013 and the time at which each occurred.

Given this 25th day of April, 2013.



Sonya Harward, Notary Public
State at Large

My commission expires: Aug 25, 2013



Session Report - Detail

2011-00322_25Apr13

Tracfone Wireless

Date:	Type:	Location:	Department:
4/25/2013	Other	Public Service Commission	Hearing Room 1 (HR 1)

Judge: David Armstrong; Jim Gardner
 Witness: Karen Levine
 Clerk: Sonya Harward

Event Time	Log Event
10:02:43 AM	Session Started
10:03:03 AM	Preliminary Remarks - Chairman Armstrong
10:03:17 AM	Tracfone Wireless Introductions Note: Harward, Sonya
	Attorney's Mitchell Brecher and Thomas O'Brien, and Witness Karen Levine
10:03:25 AM	PSC Introductions Note: Harward, Sonya
	Attorney Jeb Pinney, Staff Kyle Willard and Jim Stevens
10:03:41 AM	Chairman Armstrong Note: Harward, Sonya
	Asked for any motions.
10:04:04 AM	Tracfone-Attorney Brecher Note: Harward, Sonya
	Clarified that corrected/amended testimony that has been previously filed is in the record.
10:04:39 AM	Chairman Armstrong Note: Harward, Sonya
	Public Notice given? To the extent required, it has gone out, per Jeb Pinney.
10:05:08 AM	Witness Karen Levine takes stand Note: Harward, Sonya
	Senior Vice-President of Tracfone
10:05:48 AM	Tracfone-Attorney Brecher Note: Harward, Sonya
	Had witness swear to testimony given in previous filings.
10:07:20 AM	Cross Exam-PSC-Attorney Pinney
10:11:19 AM	Tracfone-Attorney Brecher Note: Harward, Sonya
	Asked for clarity of a question about Tracfone customer service.
10:12:00 AM	Tracfone-Attorney Brecher Note: Harward, Sonya
	Answered a question that witness could not.
10:12:54 AM	Tracfone-Attorney Brecher Note: Harward, Sonya
	Responded to another PSC staff question. Tracfone is subject to FCC rules and PSC rules governing Lifeline services.
10:15:34 AM	PSC-Attorney Pinney Note: Harward, Sonya
	Ongoing questioning about providing service.
10:15:56 AM	Chairman Armstrong Note: Harward, Sonya
	Asked that the Witness provide the answers when possible.
10:17:03 AM	PSC-Attorney Pinney Note: Harward, Sonya
	Back to Witness questioning.
10:17:24 AM	Request for Post-Hearing Information Note: Harward, Sonya
	Provide a list of other states where Tracfone is considered a jurisdictional utility.
10:20:38 AM	PSC-Attorney Pinney Note: Harward, Sonya
	Questioning about date response, concerning process of port-in and port-out services.
10:23:00 AM	Paused Note: Harward, Sonya
	Paused...needed to get some equipment turned on.

10:26:25 AM	Resumed proceeding Note: Harward, Sonya	Continued questioning Witness Levine.
10:28:32 AM	PSC-Attorney Pinney Note: Harward, Sonya	No further questions.
10:28:42 AM	Chairman Armstrong Note: Harward, Sonya	Began questioning Witness Levine.
10:29:25 AM	Request for Post-Hearing Information Note: Harward, Sonya	Does Tracfone pay sales taxes in KY?
10:29:59 AM	Request for Post-Hearing Information Note: Harward, Sonya	Make list of customers available to PSC.
10:30:35 AM	Tracfone-Attorney Brecher Note: Harward, Sonya	Request to keep customer list confidential, when they submit it post-hearing.
10:30:51 AM	Vice Chairman Gardner Note: Harward, Sonya	Interjected a question about number of customers...not an insignificant amount.
10:31:09 AM	Vice Chairman Gardner Note: Harward, Sonya	Asked Witness Levine how users get more minutes when they run out.
10:32:20 AM	Chairman Armstrong Note: Harward, Sonya	Asked for reason why Tracfone is here today.
10:32:41 AM	Witness Levine Note: Harward, Sonya	Stated Tracfone's stance of not owning, operating, or managing facilities, therefore not under PSC jurisdiction.
10:36:17 AM	PSC-Attorney Pinney Note: Harward, Sonya	Asked an additional question about purchasing additional air time and the lag between running out of time and purchasing more time.
10:37:51 AM	Tracfone-Attorney Brecher-Re-Direct Note: Harward, Sonya	Clarified with Witness Levine some questions/answers asked by PSC.
10:40:48 AM	Vice Chairman Gardner Note: Harward, Sonya Note: Harward, Sonya	Redirect. Questioning about computer-to-computer communication. Questioning about office location, building physical details, and number of employees.
10:42:31 AM	Vice Chairman Gardner Note: Harward, Sonya	Asked permission of Chairman Armstrong to address question to Mr. Brecher.
10:42:49 AM	Chairman Armstrong Note: Harward, Sonya	Approved Vice Chairman Gardner's request.
10:42:57 AM	Tracfone-Attorney Brecher Note: Harward, Sonya	Answered Vice Chairman Gardner's question about jurisdiction.
10:44:29 AM	Dismissed Witness Levine Note: Harward, Sonya	Chairman Armstrong
10:44:50 AM	PSC-Attorney Pinney Note: Harward, Sonya	Suggested he restate the information the PSC is requesting post-hearing and suggested PSC allow Tracfone to file a post-hearing brief.
	Note: Harward, Sonya	Decided to recap after closing argument.
10:45:29 AM	Tracfone Closing Argument-Attorney Brecher	
10:55:55 AM	Vice Chairman Gardner Note: Harward, Sonya	One final question...if Tracfone headquarters were in KY, would that change Tracfone's argument?
10:56:58 AM	PSC-Attorney Pinney-Recap of Requested Information Note: Harward, Sonya	Recapped the information requested from Tracfone.

	Note: Harward, Sonya	1-Provide a list of other states where Tracfone is considered a jurisdictional utility. 2-Does Tracfone pay sales taxes in KY? 3- Provide a list of Tracfone's KY customers.
10:57:47 AM	PSC-Attorney Pinney	
	Note: Harward, Sonya	Asked when Post-Hearing Brief should be filed.
10:57:59 AM	Tracfone-Attorney Brecher	
	Note: Harward, Sonya	Agreed to file Post-Hearing Brief and requested information by May 15th.
10:58:37 AM	Chairman Armstrong - Adjourned proceeding	
10:58:50 AM	Session Paused	
11:09:22 AM	Session Ended	